

REMARKS

Claims 1-8 and 10-19 are pending in the application. Claim 9 has been canceled. New claims 17-19 have been added.

Claim Objection

Claim 4 has been objected to under 37 CFR 1.75 as being substantial duplicate of claim 12.

Claim 1 has been amended to include additional limitation which is not recited in claim 12.

Therefore, claim 4, variously dependent on claim 1, now include the additional limitation, and thus is not a substantial duplicate of claim 12.

The Examiner is respectfully requested to reconsider and withdraw this objection.

Claim Rejections - 35 U.S.C. § 112

Claims 9 and 10 have been rejected under 35 U.S.C. § 112, second paragraph, because the preamble recites a “device” in line 1 while the rest of the claim recites attachment to a “stapler” in line 3.

Claim 9 has been canceled and claim 10 has been amended to depend from claim 1 to overcome this rejection.

Applicants respectfully submit that the claimed invention of the present application is directed to a device for positioning several sheets in a stapler, which includes, a holder, a paper

stop, and an adjusting mechanism (see claim 1). As clearly recited in claim 1, the holder is “adapted to be fastened to the stapler,” and thus the device is not a part of the stapler.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1-9 and 9-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by K.M. Vogel (USP 3,209,976). This rejection is respectfully traversed.

The Examiner states, in the Office Action, that Vogel discloses a device having a holder (17) adapted to be fastened to the stapler at the wall (16 Fig. 1), a paper stop (60) retained by the holder (17), an adjusting mechanism (adjusting gauge) for adjusting the paper stop (60) in relation to the holder (17).

Applicants respectfully submit that the element (17) of Vogel is a feed magazine for accommodating a strip of inverted U-shape staples S (see col. 2, line 17-18), which is an essential element of the stapling implement. The stapling implement would not even work as intended without the feed magazine.

Further, the magazine (17) is irremovably attached to the stapling implement and cannot be removed without destroying the stapling implement.

In contrast, the holder of the device of the claimed invention of the present application is “adapted to be removably fastened to the stapler,” and thus the device is not irremovably and permanently attached to a stapler. The stapler works without the device.

In view of this, even assuming that the magazine (17) of Vogel corresponds to the “holder” of the claimed invention, which Applicants do not admit, the magazine (17) is not “adapted to be removably fastened to the stapler,” as recited in claim 1.

Claim 11 is allowable at least because it claims all of the elements recited in allowable claim 12.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections - 35 U.S.C. § 103

Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vogel in view of S.A. Crosby (USP 2,073,958). This rejection is respectfully traversed.

Claim 3, indirectly dependent on claim 1, is allowable at least for its dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Allowable Subject Matter

Applicants appreciate the Examiner’s indication that claims 4-8 and 12-16 would be allowable if rewritten in independent claim form including all of the limitations of the base claim and any intervening claims.

Applicants, however, believe that claims 4-8, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

Applicants respectfully submit that claim 12 is an independent claim, and thus it is in condition for allowance without further amendment.

Claims 13-16, variously dependent on claim 12, are allowable at least for their dependency on claim 12.

A favorable determination by the Examiner and allowance of these claims is earnestly solicited.

New Claims

Claims 17-19, dependent on claim 12, are allowable at least for their dependency on claim 12.

A favorable determination by the Examiner and allowance of these claims is earnestly solicited.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of the pending claims in the present application are respectfully requested.

The Examiner is respectfully requested to enter this Reply After Final in that it raises no new issues. Alternatively, the Examiner is respectfully requested to enter this Reply After Final in that it places the application in better form for Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi (#40,417) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


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Reply After Final dated April 14, 2006
to Office Action of February 14, 2006
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

for By  (log # 40.417)
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